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Human rights situations that require the Council's attention

Written statement* submitted by the Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[01 September 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The UN Human Rights Council must address abuses against civilians in Yemen conflict

Background:

Through field research in Yemen in May, June and July 2015, Amnesty International has gathered evidence that all parties to the conflict have committed violations of international humanitarian law. Amnesty International delegates visited the sites of scores of air strikes and ground attacks in Ta'iz, Sana'a, Aden and Sa'da and investigated the circumstances and impact of these attacks. After examining over 60 incidents, the organization has concluded that the Saudi Arabian-led coalition[1], the Huthi armed group and its allies, and the anti-Huthi armed groups and their allies have been responsible for killing and injuring hundreds of civilians not involved in the conflict, many of them children and women, in disproportionate and indiscriminate ground and air attacks that constitute war crimes.[2]

According to the UN Office of the High Commissioner for Human Rights, as of 18 August the conflict in Yemen had resulted in at least 1,950 civilian deaths.[3]

SAUDI ARABIA-LED COALITION

Since 25 March 2015, thousands of air strikes by Saudi Arabian-led coalition forces have killed hundreds of civilians all over Yemen. Amnesty International investigated over 30 air strikes in various parts of the country. Though many of the strikes have targeted and destroyed military objectives, others have often been disproportionate or have indiscriminately killed and injured civilians and destroyed civilian property and infrastructure. In some instances, air strikes appeared to have directly targeted civilians or civilian objects. The pattern of attacks and the lack of investigations into such incidents to date raises serious concerns about an apparent disregard for civilian life and for fundamental principles of international humanitarian law both by those planning and executing the attacks and by the exiled Yemeni government, at whose behest coalition forces are acting.

Multiple air strikes by coalition forces on a residential compound housing workers of the Steam Power Plant and their families in the south-western port city of Mokha on 24 July at approximately 10pm killed at least 63 civilians and injured 50 others.[4] Similarly, on 9 July at about 1pm coalition forces killed 10 members of the Faraa family, including four children and five women, and injured 10 others when they bombed the Mus'ab ben Omar school in Tahrur village, north of Aden in Lahj governorate, where families displaced by the conflict were sheltering. On 3 June, coalition strikes on a village in Sabr, near Sa'da, killed at least 55 people and injured nine others. Half of the village was completely destroyed. Surviving villagers told Amnesty International that they had to dig for days looking for the bodies of the victims in the rubble.

ARMED GROUPS – ANTI-HUTHI AND HUTHI FIGHTERS

Armed groups of Huthis and Saleh loyalists, on the one hand, and anti-Huthi Popular Resistance Committees, on the other, have killed, harmed and endangered civilian residents as they battle each other in ground fighting for control of

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[1] Other countries taking part in the coalition are: Bahrain, Egypt, Jordan, Kuwait, Morocco, Qatar, Sudan and the United Arab Emirates (UAE). Somalia has made its airspace, territorial waters and military bases available to the coalition, Senegal promised troops, and the United States and United Kingdom have been providing intelligence and logistical support to the coalition.

[2] See: https://www.amnesty.org/en/latest/news/2015/08/yemen-bloody-trail-of-civilian-death-and-destruction-paved-with-evidence-of-war-crimes/ and https://www.amnesty.org/en/latest/news/2015/07/yemen-airstrike-analysis-shows-saudi-arabia-killed-scores-of-civilians/

[3] http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16329&LangID=E

[4] For more details about this attack and others documented by Amnesty International, see: https://www.amnesty.org/en/documents/mde31/2291/2015/en/

the two cities of Aden and Ta'iz. At least 68 civilians were killed and 99 others injured, mostly children and women, in 30 attacks investigated by Amnesty International.

Attacks by both sides routinely failed to distinguish between fighters and civilian residents and appeared to be directed frequently at neighbourhoods because they are under the de facto control of the other side or because fighters are based or operate from there, rather than at specific military objects. Fighters from both sides have used imprecise weapons such as Grad-type rocket artillery and mortars, which cannot be accurately aimed at specific targets and which can kill and maim people tens of metres from their points of impact. Such attacks violate fundamental provisions of international humanitarian law, as they fail to distinguish between military targets and civilian objects.[5] Amnesty International delegates witnessed fighters from both sides operating in the midst of densely populated residential neighbourhoods in Aden and Ta'iz and surrounding villages, including in and around schools and hospitals. Residents told the organization of instances when fighters launched attacks from their neighbourhoods despite civilians being present nearby, thereby exposing residents to the risk of retaliatory attacks from the opposite side.

In Ta'iz seven civilians were killed, including two boys aged five and 13, and 11 were injured when three tank rounds landed outside a house in Dhirat al-Qurdayn village in the afternoon of 16 May. Two children, aged seven and 12, were killed and two other children and a woman were injured by a mortar which struck an alleyway between houses where the children were playing in the afternoon of 15 May.

In Aden, a barrage of indiscriminate rockets fired by Huthi armed groups into the densely populated residential Block 4 and 5 area of al-Mansoura district on 1 July between midnight and 6am killed 13 people and injured 56 others. At least one fighter was killed in the attack by one of the rockets which landed near a checkpoint manned by anti-Huthi armed groups, but most of the victims were civilians not involved in the conflict.

WORSENING HUMANITARIAN SITUATION

The conflict has exacerbated an already acute humanitarian situation resulting from years of poverty, poor governance and instability, and has severely disrupted the provision of essential services in cities and rural areas alike. Currently 80% of Yemenis need some form of humanitarian assistance, prompting UN agencies to declare a Level 3 (most severe) emergency response for Yemen on 1 July 2015.[6]

The targeting of key logistic infrastructure - such as airports, seaports, bridges and main roads – by all parties in the conflict has had far-reaching consequences. Some have been damaged or destroyed by coalition air strikes and shelling by armed groups and others have been closed or their use restricted by the parties. The damage caused to bridges between Ta'iz and Aden, and between Sa'da and the capital have further hindered the movement of civilians, food and essential civilian goods and medical supplies – while causing little disruption to the movement of fighters.

Damage to power stations and electricity networks have disrupted vital services such as water supply and health care, impacting every aspect of life for the civilian population.

The conflict has caused a major health crisis, disrupting essential primary and secondary health care services. At least 160 health care facilities have been closed down across the country.[7] Ground fighting, coalition air strikes and a coalition-imposed blockade have placed enormous pressures on the capacity of hospitals and their remaining supplies.

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[5] Notably the principle of distinction. For example see: https://www.icrc.org/customary-ihl/eng/docs/v2_rul_rule1

[6] http://www.unocha.org/top-stories/all-stories/yemen-highest-emergency-response-level-declared-six-months
https://docs.unocha.org/sites/dms/Documents/UNSC-%20Yemen%20-%2028%20July%2015%20-%20USG%20O%27Brien%20as%20delivered.pdf

[7] https://www.humanitarianresponse.info/en/system/files/documents/files/yemen_hrp_revised_2015.pdf

Patients in and outside hospitals told Amnesty International that they were unable to find or to afford the medical supplies they needed.

Attacks on medical staff and property by fighters on both sides have been frequent. Several doctors told Amnesty International that they had been victims of attacks and threats at gunpoint by anti-Huthi fighters in Aden, where attacks on International Committee of the Red Cross (ICRC) premises forced staff to relocate.[8] Amnesty International witnessed armed group positions, including anti-aircraft machine guns, at several hospitals in Aden and Ta'iz. In Aden, anti-Huthi fighters were observed firing assault rifles inside the al-Sadaqa hospital compound and launching mortars from next to the hospital, exposing patients and medics to the risk of retaliatory attacks.[9] Similar conduct by fighters and their utter disregard for the protection of civilians forced hospitals such as the al-Joumhouria Hospital in Aden to suspend its operations in late April.[10]

RECOMMENDATIONS

Amnesty International urges the Human Rights Council, its members and observer states to:

- Call on all parties to the conflict to:
  - Fully comply with the relevant provisions of international humanitarian law in the planning and execution of any military operations by ensuring that civilians and civilian objects are not targeted, and that no attacks are carried out which fail to discriminate between civilians and combatants, or which may cause civilian loss disproportionate to the anticipated military advantage;
  - Allow full and unfettered access to organizations providing humanitarian aid;
- Create an international commission of inquiry to investigate alleged serious violations of international humanitarian law and international human rights law by all parties to the conflict since the beginning of hostilities in September 2014;
- Mandate regular reporting to the Council on the human rights situation in Yemen and hold related inter-active dialogues;
- Urge all countries supplying arms to any parties to the conflict to halt arms transfers to any party to the conflict where there is a risk that the arms could be used to commit or facilitate serious violations of human rights or international humanitarian law;
- Ensure that prompt and full reparation is provided to victims and families of victims of unlawful attacks which resulted in human or material damage.

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[8] https://www.icrc.org/en/document/yemen-icrc-office-aden-attacked
[9] The incidents witnessed by Amnesty International took place on 12, 13 and 14 July.
[10] http://www.theguardian.com/world/2015/may/01/yemen-people-suffer-lack-food-power-medical-aid-battles-rage-on